

Delaware's Low Emission Vehicle 7 DE ADMIN. CODE 1140

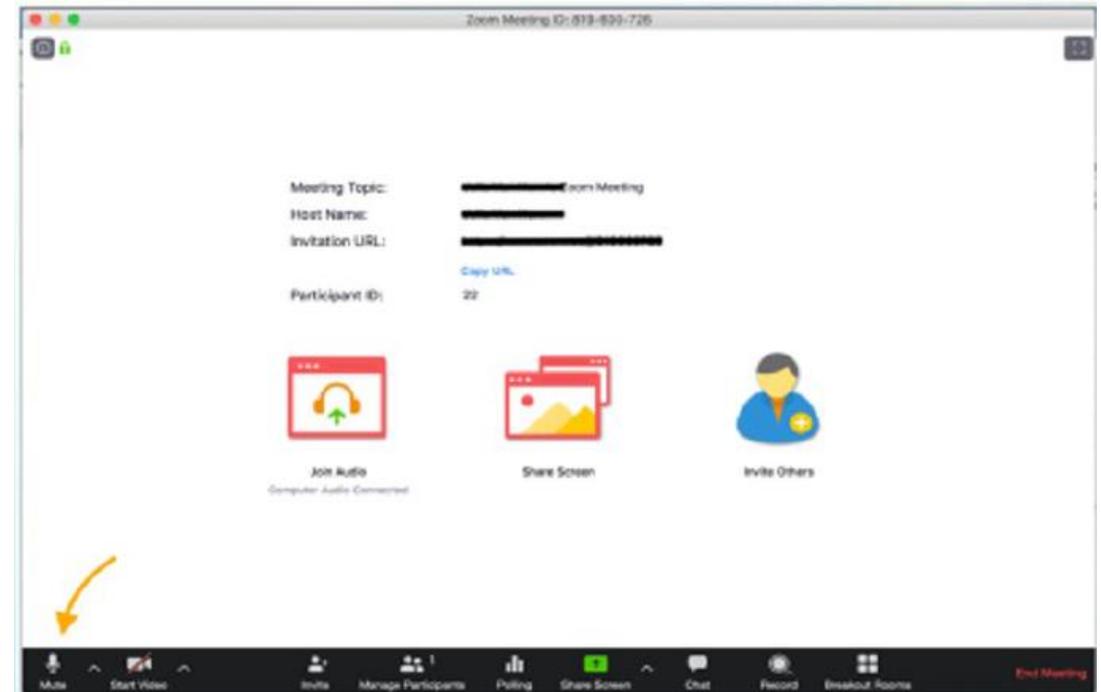
Proposed amendments for Advanced Clean Car II

Key Stakeholders Meeting
October 26, 2022



ZOOM Orientation

- Attendees will remain on mute until called on in the speaking queue
- Zoom: **Mute/Unmute** button at the bottom left
- Phone: Dial ***6** to mute/unmute
- •Click the camera icon at the bottom left of your screen to toggle your video on and off



Meeting Logistics

- This workshop is being recorded.
- Questions can be sent via the ZOOM chat box...OR
- Raise your hand to speak [found under reactions at the bottom of your screen]
- Follow-up questions can be sent to Kyle Krall (Kyle.krall@delaware.gov)
- Comments submitted can be viewed on the [Regulations and Plans Under Development - DNREC Alpha \(delaware.gov\)](#)

Agenda

- 1:00 pm Welcome, introductions, and ground rules
- 1:10 pm Proposed Regulatory Language for Advanced Clean Cars II Program
- 1:30 Flexibility Elements
- 2:00 pm Follow Up Items from the October 13 meeting
- 2:40 pm Open Discussion
- 2:55 pm Wrap up and Next Steps
- 3:00 pm Adjourn

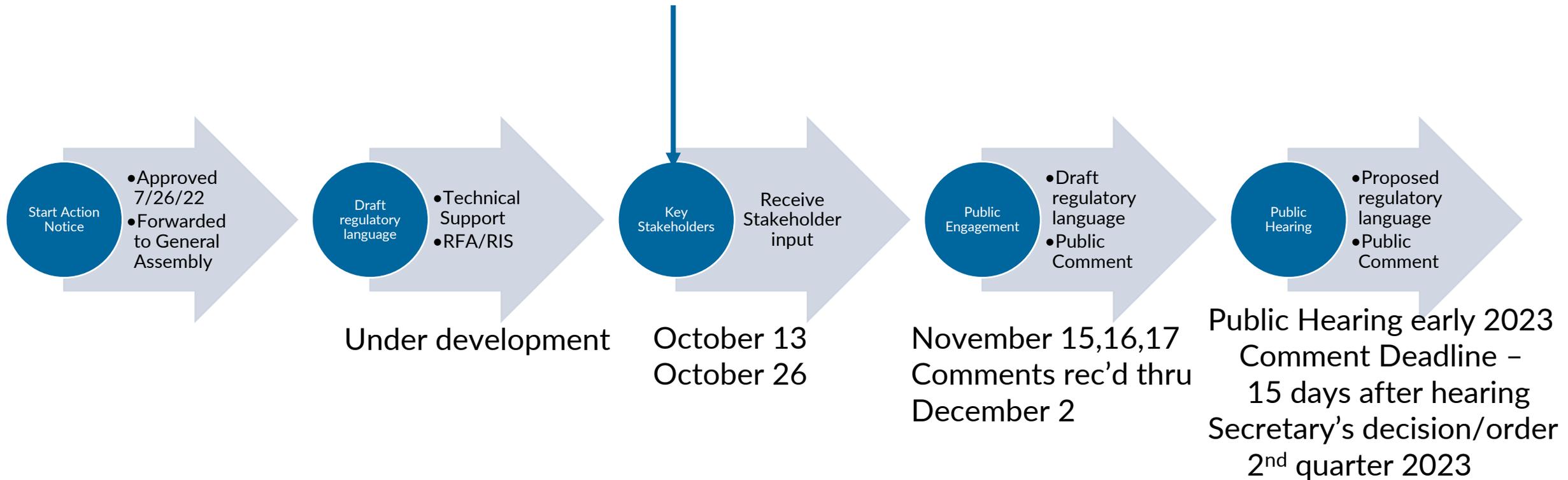


Meeting Objectives

- Explain the amended regulatory language to 7 DE Admin. Code 1140
- Discuss Flexibility Mechanisms
- Identify any additional issues or barriers not previously discussed

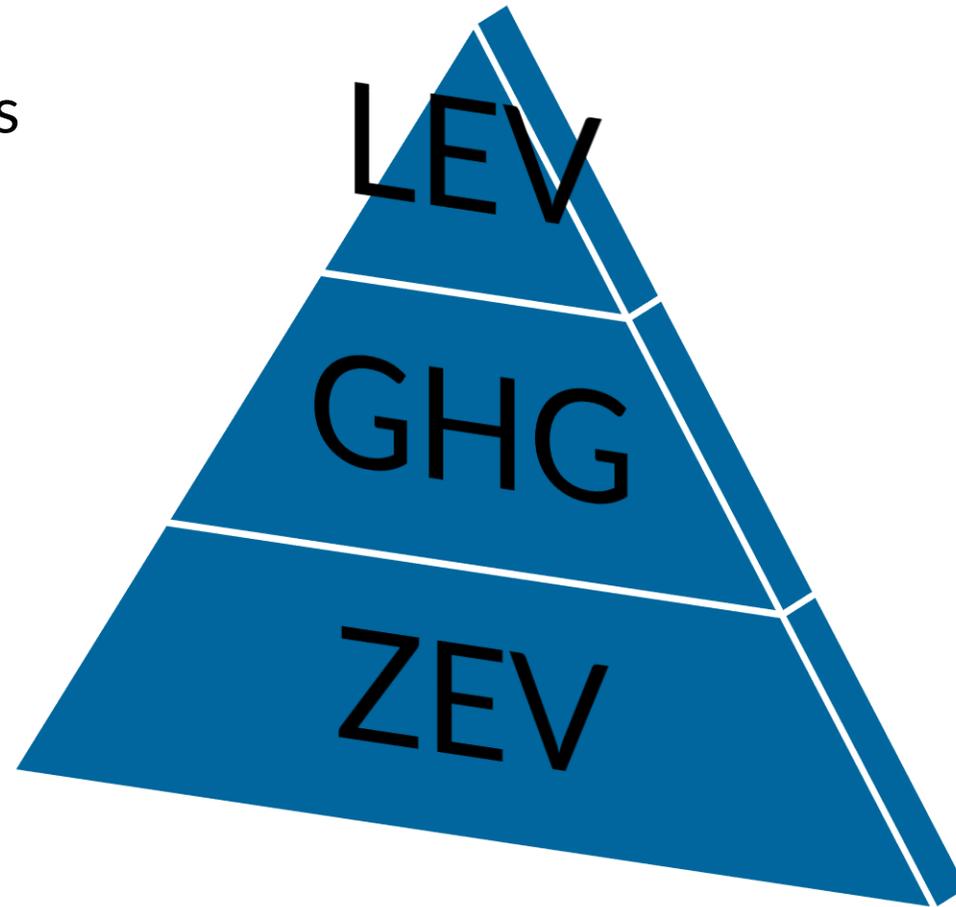


ACC2 Regulatory development timeline



Elements of Advanced Clean Car II

1. Low Emission Vehicle Standards
2. Greenhouse Gas Standards
3. Zero Emission Vehicles



7 DE Admin Code 1140 – Delaware's Low Emission Vehicle Program

- Section 1 - Purpose
- Section 2 - Applicability
- Section 3 - Definitions
- Section 4 – Emission Certification Standards
- Section 5 – New Vehicle Emission Requirements
- Section 6 – Manufacturer Requirements



- Section 7 - Warranty
- Section 8 – Reporting & Record-Keeping
- Section 9 - Enforcement
- Section 10 – Incorporation by Reference
- Section 11 – Document Availability
- Section 12 - Severability
- Section 13 – Zero Emission Vehicles **NEW**



ZEV Element - New regulatory text for model years 2026 and subsequent years



Title 13. Motor Vehicles

Division 3. Air Resources Board

Chapter 1. Motor Vehicle Pollution Control Devices

Article 2. Approval of Motor Vehicle Pollution Control
Devices (New Vehicles)

Section 1962.4. Zero-Emission Vehicle Standards
for 2026 and Subsequent Model Year
Passenger Cars and Light-Duty Trucks **NEW**



Flexibility Mechanisms

- PHEV Flexibility
- Community Based Clean Mobility Programs
- Early Compliance
- Pooling



- *PHEV Flexibility.*

Manufacturers may fulfill a portion of their total Annual ZEV Requirement with PHEVs produced and delivered for sale

- *Environmental Justice Vehicle Values.*

Manufacturers may fulfill a portion of their total Annual ZEV Requirement with additional vehicle values earned according to the following provisions:

New ZEVs and PHEVs Provided for Use in Community-based Clean Mobility Programs.

New 2024 through 2031 model year ZEVs and PHEVs provided for use in community-based clean mobility programs in ~~California~~ Delaware will earn additional vehicle values that can be used to meet a portion of the manufacturer's Annual ZEV Requirement.

- *Vehicles in ~~California~~ Delaware Sold At the End of Lease to Participating Dealerships.*

ZEVs or PHEVs initially leased in California and sold at the end of lease to a ~~California~~ Delaware dealership participating in a financial assistance program will earn additional vehicle values that can be used to meet a portion of the manufacturer's Annual ZEV Requirement.

- *New ZEVs and PHEVs below MSRP threshold.*

An additional 0.10 vehicle value will be earned by a manufacturer for each 2026 through 2028 model year ZEV or PHEV delivered for sale in ~~California~~ Delaware with an MSRP less than or equal to \$20,275 for passenger cars and less than or equal to \$26,670 for light-duty trucks. For purposes of this section, the MSRP values shall be adjusted annually, beginning in 2026 model year, per subsection(e)(2)(F).

- *Early Compliance Vehicle Values.*

Manufacturers may fulfill a portion of their total Annual ZEV Requirement with early compliance vehicle values earned...

Pooling – State to State 1962.4(g)

- To provide flexibility for manufacturers for model years 2026 through 2030, ACCII includes “pooling” which allows manufacturers to move a specified percentage of excess ZEV and PHEV credit values earned in one state for use in another state where there is a shortfall relative to the requirement.





Advanced Clean Cars is...

- Actionable
- Achievable
- Aspirational



Key points we heard from our 10/13/22 call

- ZEV target is ambitious
- Charging Infrastructure
- Building Codes
 - Multi-unit dwellings
- More Public Engagement
- Incentives
- Impacts to our electricity grid
- Cost of vehicles
- Cost of ownership
- No need for more emission reductions
- Delaware's air quality should not be linked to the broader Philadelphia metropolitan statistical area

Open Discussion Ground Rules....

- Be curious, open, patient and respectful
- One person speaks at a time
- Take space/make space
- Avoid jargon, acronyms and industry terms
- Speak from your own experience
- Challenge assumptions
- Anything else...?



Questions?

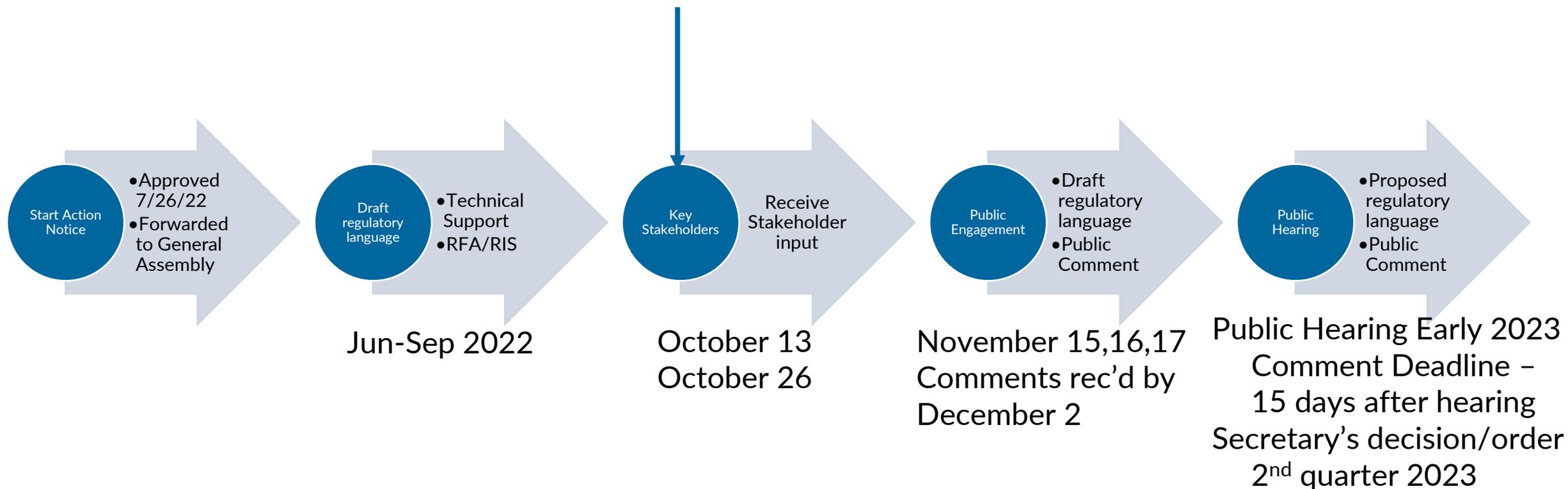


What other complimentary policies or regulations should the Department consider to further reduce air pollution?

What additional or new barriers have you identified that the Department should consider?

What additional or new issues should we consider going forward?

ACC2 Regulatory development timeline



Next Steps

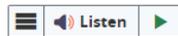
- Public Workshops
 - Tuesday, November 15, 2022 Public workshop 10 am
 - Wednesday, November 16, 2022 Public workshop 1 pm
 - Thursday, November 17, 2022 Public workshop 6 pm
- 1st Quarter 2023 Public Hearing
- July 1st Final adoption
- January 2, 2026 program begins with model year 2027 vehicles



For additional information – see our website at <https://dnrec.alpha.delaware.gov/air/permitting/under-development>



Regulations and Plans Under Development



- Air Quality**
- Home
- Contact Us
- Air Quality
- Open Burning
- Asbestos
- Permitting & Regulation
- Greenhouse Gases
- Mobile Sources
- Get Involved
- Business Assistance

The DNREC Division of Air Quality is committed to openness and transparency as it updates and amends state Air Quality Regulations and related state implementation plans. This page provides information on items under development.

[Air Quality Regulations](#)

[Air Quality Public Hearings](#)

Amendments to the Delaware's Low Emission Vehicle Program

The Division of Air Quality is amending regulation 7 DE Admin. Code 1140 – Delaware's Low Emission Vehicle Program.

The purpose of this action is to amend 7 DE Admin. Code 1140, to update the adoption by reference of California's Advance Clean Car II (ACC II) low emission vehicle and greenhouse gas standards and add the requirements for zero emitting vehicles for model year 2026 and beyond.

The ACC II regulations will reduce criteria and greenhouse gas emissions from new light- and medium-duty vehicles beyond the 2025 model year as well as add the new requirements for zero emission vehicles.

These standards were adopted in 2010 and went into effect for model year 2014, and since the original adoption California has made changes necessary for automobile manufactures to comply.

Section 177 of the Clean Air Act requires that Delaware standards must be "identical to the California standards."

This regulatory amendment process started with [DNREC Start Action Notice 2022-01](#).

Contact Us

[Kyle Krall](#)

Division of Air Quality
302-739-9402

[Proposed Draft Amendments](#)

[Stakeholder Meetings](#)

[Public Workshops](#)



October 26, 2022



DELAWARE DEPARTMENT OF
NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL

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